

UNITED STATES DISTRICT COURT  
THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:17-CR-44

v.

GOVERNMENT'S INITIAL PRETRIAL  
CONFERENCE SUMMARY STATEMENT

CHARLES AGHOGHO EJINYERE,

Defendant. /

**I. DISCOVERY**

**A. Statements of Defendant**

**1. Oral Statements [Rule 16(a)(1)(A)]**

- ☐ There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).
- ☒ There are the following written records of oral statements:

Statements made in transit during extradition.

the substance of which

- ☐ has been disclosed to defense counsel
- ☒ will be disclosed to defense counsel by the time of the initial pretrial conference or promptly upon receipt after entry of a protective order.

**2. Written or Recorded Statements [Rule 16(a)(1)(B)]**

- ☐ There are no written or recorded statements or grand jury testimony of defendant.
- ☒ There are the following written or recorded statements or grand jury testimony:

Emails and other electronic messages sent by the defendant

The government is attempting to determine if any statements were made in connection with the proceedings in London.

All written or recorded statements

- ☐ have been disclosed to defense counsel
- ☒ will be disclosed to defense counsel by the time of the initial pretrial conference or promptly upon receipt after entry of a protective order.

B. Defendant's Prior Record [Rule 16(a)(1)(D)]

- ☒ The government has made due inquiry and is not aware of any prior criminal record.
- ☐ The government has disclosed defendant's prior criminal history.
- ☐ The government is now making inquiry into defendant's prior criminal history.  
The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects [Rule 16(a)(1)(E)]

- ☐ The government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The government has the following documents, tangible objects, and physical evidence:
  - ☐ Controlled Substances:
  - ☐ Drug Paraphernalia:
  - ☐ Records:
  - ☐ Drug Records:
  - ☐ Firearms:
  - ☐ Inventory (attached)
  - ☒ Other: business records, bank records, emails, electronic records, computer, electronic devices.
- ☐ The government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
  - ☐ State
  - ☒ Federal (list case number and caption):
    - 1:16-MJ-103
    - 1:16-MJ-155
    - 1:16-MJ-336
    - 1:17-MJ-38
    - 1:17-MJ-40
    - 1:17-MJ-41
    - 1:18-MJ-419
- ☐ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with TIGTA Special Agent Nathan LaFramboise.

D. Reports of Examinations and Tests [Rule 16(a)(1)(F)]

- ☐ The government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The government has or expects to have reports of the following examinations and tests:
- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Drug Analysis                 | <input type="checkbox"/> Handwriting    | <input type="checkbox"/> Fingerprints    |
| <input type="checkbox"/> DNA                           | <input type="checkbox"/> Firearms/Nexus | <input type="checkbox"/> Gun Operability |
| <input checked="" type="checkbox"/> Computer Forensics |   | <input type="checkbox"/> Other           |

E. Reciprocal Discovery

- ☒ The government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

- ☐ The government does not presently intend to introduce 404(b) evidence.
- ☐ The government does presently intend to introduce the following 404(b) evidence:
- ☒ The government will provide pretrial notice of 404(b) evidence by two weeks before the final pretrial conference.

G. Other Discovery Matters:

**II. TRIAL**

- A. The government requests a ☒ jury ☐ non-jury trial.
- B. Length of trial excluding jury selection is estimated at 3 days.

**III. MISCELLANEOUS**

- ☐ This case may be appropriate for expedited resolution.
- ☒ The government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.
- ☐ The government is aware of the following potential conflict(s):
- ☒ Government's plea negotiation policy: The government will not offer any concessions after two weeks before the final pretrial conference.

Date: December 6, 2018

/s/ Sally J. Berens  
Assistant United States Attorney